REMARKS

The Office Action mailed May 7, 2008 has been reviewed and carefully considered. No new matter has been added.

Claim 11 has been amended. Claims 1-17 are pending.

Claims 1-7 and 9-17 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2002/0114336 to Chow (hereinafter "Chow"). Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of U.S. Patent No. 6,097,732 to Jung (hereinafter "Jung"). The rejections are respectfully traversed.

It is to be noted that Claims 1, 10, and 11 are the independent claims currently pending in the instant application.

It is respectfully asserted that Chow does not teach or suggest the step of/means for "receiving a message to configure said physical port for use with said network" as recited in Claims 1 and 10. The Examiner has cited paragraph [0025] of Chow as disclosing the same, particularly pointing to the following text therein: "[t]he property of the respective of input/output ports can be changed according to the user's definition...." The Applicants respectfully disagree with the Examiner's reading of Chow.

For example, "the user's definition" as disclosed in Chow can**NOT** be reasonably interpreted to include a message to configure, as Chow is COMPLETELY SILENT as to how the user defines the respective property of the input/output ports. For example, in paragraph [0026], when describing one embodiment, Chow simply discloses "[t]he descriptions below illustrate a situation that input/output port 301 and input/output port 302 is defined as the ports in the WAN and LAN". Similarly, in paragraph [0033] of Chow, when describing another embodiment, Chow simply discloses "[o]n the other hand, when the input/output port 301 and input/output port 302 is respectively defined as the ports in the WAN and LAN...." Chow provides no further details in either of these embodiments or anywhere else in his disclosure relating to defining port properties (i.e., whether a particular port is to be a LAN port or a WAN port). Hence, in the complete absence of any disclosure describing how a user defines the respective port properties, such interpretation of Chow is asserted to be misplaced and unreasonable. For example, the word "**message**" does NOT even occur once in the entire disclosure of Chow.

The Examiner is reminded that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art

reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Hence, Chow does not include, teach or even suggest each of the limitations recited in Claims 1 and 10; and therefore a valid prima facie anticipation rejection has not been made by the Examiner.

Additionally, Applicants respectfully assert that Chow is non-enabling and inoperable, such that MPEP 2121.01 prohibits the use of Chow as a reference against the pending claims. For example, as noted above, Chow is completely silent about how port properties are defined, and simply names the subject matter (i.e., defining port properties) without any more at all, thus clearly requiring undue experimentation to achieve the same.

As set forth in MPEP 2121.01 (emphasis added):

"In determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated **test** is whether a reference contains an 'enabling disclosure'... ." *In re Hoeksema*, 399 F.2d 269, 158 USPQ 596 (CCPA 1968). The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; **mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation**. *Elan Pharm., Inc. v. **>Mayo Found. For Med. Educ. & Research<*, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003)

Hence, the use of Chow against at least Claims 1 and 10 is improper under MPEP 2121.01.

Further, it is respectfully asserted that Chow does not teach or suggest the step of/means for "associating, responsive to receiving said message, a set of mapping assignments for using said physical port to access said network" as recited in Claims 1 and 10. The Examiner has cited paragraph [0025] of Chow as disclosing the same, particularly pointing to the following text therein: "[t]he property of the respective of input/output ports can be changed according to the

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user's definition...." The Applicants respectfully disagree with the Examiner's reading of Chow.

Since the word "message" is not even mentioned once in Chow, Chow certainly can**NOT** disclose associating "anything" responsive to receiving a message, let alone associating, responsive to receiving said message, a set of mapping assignments for using said physical port to access said network", as recited in Claims 1 and 10.

Again, the Examiner is reminded that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Hence, Chow does not teach or suggest all of the above recited limitations of Claims 1 and 10.

Moreover, it is respectfully asserted that Chow does not teach or suggest the step of/means for "implementing said mapping assignments, responsive to associating said mapping assignments, to configure said physical port for coupling to said network" as recited in Claims 1 and 10.

Further, it is respectfully asserted that Chow does not teach or suggest "wherein said WAN/LAN port manager selectively controls whether each of said plurality of physical ports is physically coupled to said LAN interface or said WAN interface responsive to a configuration message and prior to a receipt of a corresponding packet to be routed by the router", as recited in Claim 11.

The Examiner has cited paragraph [0025] of Chow as disclosing the same, particularly pointing to the following text therein: "[t]he property of the respective of input/output ports can be changed according to the user's definition...." The Applicants respectfully disagree with the Examiner's reading of Chow.

The Applicants respectfully remind the Examiner that the implementing of the mapping assignments in the immediately preceding limitation of Claims 1 and 10 is **responsive to associating the mapping assignments that, in turn, is responsive to receiving the message to configure the port**. Also, the Examiner is respectfully reminded that Claim 11 recites, *inter*

alia, that the physical coupling of each of said plurality of physical ports occurs prior to receiving a packet to be routed.

In view of the preceding, the Applicants respectfully assert that not only does Chow not disclose the above recited limitations of Claims 1, 10, and 11, but Chow actually teaches away from the same (while the Applicants are aware that a teaching away argument is not germane to a rejection under 35 U.S.C. 102, the same is set forth herein just to show how divergent from the present principles as claimed Chow is with his disclosed invention). For example, it seems that the port properties are <u>dynamically implemented on the fly</u> in response to receiving a packet having a particular path (i.e., either from LAN to WAN or from WAN to LAN). That is, while it unclear what is involved in defining port properties, as argued above, the implementation of the same by Chow occurs as packets having a particular path are received by the gateway device of Chow. For example, see paragraphs [0026]-[0032] of Chow for one embodiment where a received packet is to be transported from a LAN to a WAN, and paragraphs [0033]-[0039] of Chow for another embodiment where a received packet is to be transported from a WAN to a LAN, where both embodiments respectively describe how the port properties are dynamically implemented upon receiving the packet with the particular path.

FIG. 2 of the Applicants specification shows how the port properties of the present invention as claimed are implemented, which provides for configuration of the device (i.e., implementing port property changes) prior to the receipt of a packet to be transported.

Hence, Chow also does not describe, teach or even suggest the preceding limitations of Claims 1, 10, and 11.

As noted above, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Moreover, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious" (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Accordingly, Claims 1, 10, and 11 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

Claims 2-9, 12, 14, and 16 depend from Claim 1 and thus include all the limitations of Claim 1. Claims 13, 15, and 17 depend from Claim 10 and thus include all the limitations of Claim 10. Accordingly, Claims 2-9, 12, 14, and 16 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 1, and Claims 13, 15, and 17 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 10.

Moreover, said dependent claims include patentable subject matter in and of themselves and are, thus, patentable distinct and non-obvious over the cited references in their own right. For example, it is respectfully asserted that none of the cited references, either taken singly or in combination, teach or suggest "wherein said message is created after detecting at least one hardware switch setting change", as recited in Claim 8. The Examiner has cited column 7, line 60 to column 8, line 16 of Jung as disclosing the same, reasoning "the controller causing the MAC to output a reconfigure command upon detecting CRC errors". The Applicants respectfully disagree with the Examiner's reading of Jung.

For example, the cited portion of Jung does not even include one occurrence of the word "switch", let alone "hardware switch" as recited in Claim 8.   Hence, it is respectfully asserted that Jung does not even remotely suggest the above recited limitations of Claim 8. Further, it is respectfully asserted that Chow does not cure the deficiencies of Jung, and is silent with respect to the above recited limitations of Claim 8. Hence, Claim 8 is patentably distinct over the cited references for at least the reasons set forth above.

Thus, reconsideration of the rejections is respectfully requested.

In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of May 7, 2008 be withdrawn, that pending claims 1-17 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

No fee is believed due with regard to the filing of this amendment. However, if a fee is due, please charge Deposit Account No. 07-0832.

Respectfully submitted,

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